

# AUTO CR - LOG SUMMARY #1070352

TYPE: INFO

## Incident Finding / Overall Case Finding

Description of Incident	Finding	Entered By	Entered Date
	(None Entered)		

## Reporting Party Information

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD Reporting Party Victim						M			

## Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
	3510 S MICHIGAN AVE, CHICAGO, IL 60653	0213	002	280 - POLICE FACILITY/VEH PARKING LOT	

## Accused Members

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused UNKNOWN,					ON Duty	The reporting party alleged that the Chicago Police Department failed to hire him due to his expunged arrest history.

## Other Involved Parties

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
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## Involved Party Associations

Role	Rep. Party Name	Related Person	Relationship
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## Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N	Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:	2014-11		
Civil Suit No.:	2014 CN 3375	Civil Suit Settled Date:	
Notify Chief Administrator?	N	Notify Chief?	
Notify Coordinator?		Notification Does Not Apply?	Y
Notification Other?	N		
Notification Comments:	SGT. FLORES, #2323, NOTIFIED IPRA AT 0946 HOURS		

## Incident Category List

Incident Category	Primary?	Initial?
10Z - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) MISCELLANEOUS	Y	Y

## Investigator History

Investigator	Type	Assigned Team	Assigned Date	Scheduled End Date	Investigation End Date	No. of Days
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## Investigator History

## Extension History

Name	Previous Scheduled End Date	Extended Scheduled End Date	Date Certified Letter Sent	Reason Selected	Explanation	Extension Report Date	Approved By	Approved Date	Approval Comments
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## Current Allegations

Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
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## Situations (Allegation Details)

Accused Name	Alleg. No.	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
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## Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
ADMINISTRATIVELY CLOSED	13-AUG-2014 11:47	KLIMAS, ROBERT	COMMANDER	121 /	
PENDING ADMINISTRATIVE CLOSURE	20-JUL-2014 08:38	BOYD, SHARON	POLICE OFFICER	121 /	Admin Close.
PENDING ASSIGN TEAM	17-JUL-2014 09:16	CLARK, SUSAN	LIEUTENANT OF POLICE	121 /	Admin close. E01-01,III.B.5.h.
PENDING APPROVE TEAM	16-JUL-2014 09:32	BOYD, SHARON	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	15-JUL-2014 10:26	ROBERTS, GEORGE	SUPERVISING INVESTIGATOR	113 /	
PENDING SUPERVISOR REVIEW	15-JUL-2014 10:16	HAYES, SHANNON	INVESTIGATOR 2 COPA	113 /	
PRELIMINARY	15-JUL-2014 09:50	HAYES, SHANNON	INVESTIGATOR 2 COPA	113 /	

## Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	FACE SHEET					HAYES, SHANNON	15-JUL-2014 09:50			
	DOCUMENTS - INTAKE INCIDENT		5	Sgt. Robert Flores, #2323	N	HAYES, SHANNON	15-JUL-2014 10:16	APPROVED		

## Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
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## Review Accused

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
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## Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
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## Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Penalty	Penalty Comments
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Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
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# FACE SHEET (Notification Date: 15-JUL-2014) - LOG #1070352

TYPE: INFO

## Reporting Party Information

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
NON-CPD Reporting Party Victim						M			

## Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
	3510 S MICHIGAN AVE, CHICAGO, IL 60653	0213	002	280 - POLICE FACILITY/VEH PARKING LOT	

## Accused Members

Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused UNKNOWN,					ON Duty	The reporting party alleged that the Chicago Police Department failed to hire him due to his expunged arrest history.

## Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N		
Motor Vehicle (V)?		Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:	2014-11		
Civil Suit No.:	2014 CN 3375	Notify Chief?	
Notify Chief Administrator?	N	Notification Does Not Apply?	Y
Notify Coordinator?			
Notification Other?	N		

## Initial Incident Category List

Initial Incident Category	Primary?
10Z - GROUP 10 - OPERATION/PERSONNEL VIOLATIONS (ON DUTY) MISCELLANEOUS	Y

## Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IAD	GENERAL INVESTIGATION SECTION	-	16-JUL-2014 09:32	BOYD, SHARON	
IAD	INTERNAL AFFAIRS DIVISION	-	15-JUL-2014 09:50	HAYES, SHANNON	

## Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
ADMINISTRATIVELY CLOSED	13-AUG-2014 11:47	KLIMAS, ROBERT	COMMANDER	121 /	
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OFFICE OF THE SUPERINTENDENT  
Office of Legal Affairs

15 July 2014

TO: Chief Administrator  
Independent Police Review Authority  
(Fax # 746-3592)

FROM: Sgt. Robert Flores #2323  
Office of Legal Affairs

SUBJECT: Initiation Report for Complaint Log # 1070-352

Reference: EEO # [REDACTED]

Complainant: [REDACTED]

Accused: Unknown

Date/Time/

Location: February 2014 @ 3510 S. Michigan (Chicago Public Safety HQ)

The above referenced log number was obtained due to the complainant filing a Charge of Discrimination at the Illinois Department of Human Rights. A copy of Charge Number [REDACTED] is attached and alleges the Chicago Police Department failed to hire the complainant due to his arrest record. The complainant alleges that the arrest record had been expunged and the Chicago Police Department is in violation of the Illinois Human Rights Act in using this expunged record for any employment decision. Investigator Hayes #137 at IPRA notified at 0946 hours.

It is the recommendation of the undersigned that this complaint log number NOT be converted to a complaint register number for investigation. The undersigned can be contacted at 312-745-6115 if necessary.

  
Sgt. Robert Flores  
Office of Legal Affairs

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ILLINOIS DEPARTMENT OF  
**Human Rights**Pat Quinn, Governor  
Rocco J. Claps, Director

July 01, 2014

CHIEF EXECUTIVE OFFICER  
CITY OF CHGO POLICE  
3510 S MICHIGAN  
CHICAGO, IL 60653OFFICE OF LEGAL AFFAIRS  
15 JUL 14 10 03Charge No:  
Complainant:

Dear Respondent:

The above named Complainant has filed a charge of unlawful discrimination ("charge") alleging that you have violated provisions of the Illinois Human Rights Act. See the Illinois Compiled Statutes, 775 ILCS 5/1-101 et seq.

The Department has docketed this charge as an unperfected charge pursuant to its Rules and Regulations. Therefore, no reply is requested at this time. No investigation will be conducted unless the charge is perfected (signed and notarized).

Please provide the Department in writing with the following information for your contact person:

Name, Title, Firm/Company Name, Address, Suite No, City, State,  
Zip Code, Telephone Number, Fax Number and Email Address.

The contact person would be your legal representative in responding to the above charge. By providing this information, any and all notices of charges against your company will be served upon the contact person listed above.

Should you have any questions, please contact me at (312) 814-6216.

Sincerely,

Raquel C. Guerra  
Program Administrator  
Intake UnitIN-7/IDHR  
Rev. 01/14

**STATE OF ILLINOIS  
ILLINOIS DEPARTMENT OF HUMAN RIGHTS**

**CHICAGO OFFICE**  
DEPARTMENT OF HUMAN RIGHTS  
100 W. RANDOLPH ST., SUITE 10-100  
CHICAGO, IL 60601  
(312) 814-6200  
(866) 740-3953 TTY

**SPRINGFIELD OFFICE**  
DEPARTMENT OF HUMAN RIGHTS  
222 S. COLLEGE ST., ROOM 101  
SPRINGFIELD, IL 62704  
(217) 785-5100  
(866) 740-3953 TTY

**CHARGE NO.:** [REDACTED]  
**EMPLOYMENT DISCRIMINATION CHARGE**

I, [REDACTED] believe  
that I have been personally aggrieved by a civil rights violation committed in February 2014 by:

**RESPONDENT**  
City of Chicago Police Department  
3510 S. Michigan Ave.  
Chicago, IL 60653  
(312) 746-6000

The particulars of the alleged civil rights violation are as follows:

**I. A. ISSUE/BASIS**

**FAILURE TO HIRE – FEBRUARY 2014, DUE TO MY ARREST RECORD**

**B. PRIMA FACIE ALLEGATIONS**

1. I had an arrest record which was expunged.
2. Respondent had knowledge of my expunged arrest record.
3. In February 2014, I called Respondent to check the status of my application when I was informed by Respondent's background investigation unit that I was put on hold because of my arrest record. I informed Respondent that my arrest record was expunged years ago. Respondent stated that since I was arrested, even if expunged, I was on hold and will not be moving forward in the process.



Charge Number: [REDACTED]

Complainant: [REDACTED]

Page 2 of 2

4. It is a Per se violation of section 2-103 (A) of the Human Rights Act for any employer, employment agency or labor organizations to inquire into or use the fact of an arrest or criminal history record information ordered expunged, sealed or impounded under Section 5 of the Criminal Identification Act (20 ILCS 2630) as a basis for any employment decision.

DEF/RCG/amm

I, [REDACTED], on oath or affirmation state that I am the Complainant herein, that I have read the foregoing charge and know the contents thereof, and that the same is true and correct to the best of my knowledge.

\_\_\_\_\_  
Complainant's Signature\_\_\_\_\_  
Date*(Notary Must Witness Signatures)*

Subscribed and Sworn to

Before me this \_\_\_\_\_ day

of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature\_\_\_\_\_  
Notary Seal

IDHR/CN FORM #6

Rev. 7/12



**State of Illinois**  
 Illinois Department of Human Rights

**CREDIBILITY NOTICE**

**The Cooper v. Salazar injunction**

The Illinois Department of Human Rights ("Department") is under a federal-court injunction that, among other things, orders the Department:

"To cease permanently from relying on credibility determinations made without affording the rights of confrontation and cross-examination".

See, Cooper v. Salazar, #98 C 2930, U.S. District Court for the Northern District of Illinois, order dated November 1, 2001, at p. 26, ¶1.

**Meaning of the Cooper Injunction**

The Department cannot assess the credibility of Complainant's testimony, the testimony of Complainant's witnesses or the testimony of Respondent's representatives or the witnesses of Respondent where there is conflicting testimony. In other words, if the determination of substantial evidence turns on issues of credibility, the Department should make a finding of substantial evidence so that a trier of fact may resolve those issues of credibility. This means that if a determination of lack of substantial evidence requires the Department to make a finding of fact as to conflicting evidence, the Department will make a finding of substantial evidence so that credibility may be resolved by the Human Rights Commission at a Public Hearing.

The Illinois Human Rights Act defines "substantial evidence" as:

"Evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance". Illinois Human Rights Act §7A-102(D)(2), codified at 775 ILCS 5/7A-102(D)(2).

**The Meaning of Credibility**

The Illinois Department of Human Rights is an investigatory agency. The Department's purpose is to gather all of the evidence from each of the parties as to whether Respondent may or may not have discriminated against the Complainant within the meaning of the Illinois Human Rights Act. The Department's purpose is to review all of the evidence and make a determination based upon the law as to whether there is sufficient evidence of discrimination to file a complaint against the Respondent with the Illinois Human Rights Commission. The Department will not make a finding that evidence submitted by a party is either believable or not believable. Thus, the Department will not base its findings on the fact that one of the parties is not telling the truth or that one party's evidence is not believable. If the resolution of the charge of discrimination requires believing the evidence of one party over another party, the Department will make a finding of Substantial Evidence and refer the matter to the Illinois Human Rights Commission so that a trier of fact may resolve the case.

**Conflicting evidence exists when there are:**

- 1) Statements of a person with material firsthand knowledge contradicted by statements of a different person with material firsthand knowledge.
- 2) Business records contradicted by oral statements of a person with material firsthand knowledge.
- 3) Business records of one person contradicted by business records of another person.

By the authority of the State of Illinois (2212013ENGChargeProcessing)

100 West Randolph Street, Suite 10-100, Chicago, IL 60601, (312) 814-6200, TTY (866) 740-3953, Housing Line (800) 662-3942  
 222 South College Street, Room 101, Springfield, IL 62704, (217) 785-5100  
 2309 West Main Street, Marion, IL 62959 (618) 993-7463  
[www.illinois.gov/dhr](http://www.illinois.gov/dhr)